

REMARKS

In response to the Final Office Action mailed on December 12, 2008, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks in conjunction with the concurrently filed RCE. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 28, 29, 31, and 33 have been amended, and Claims 49-51 have been added, leaving Claims 28-51 for consideration upon entry of the present amendment. No new matter has been added by the amendment.

Support for Claim Amendments

The amendment to independent Claims 28 and 31 and dependent Claims 29 and 33 are fully supported in Applicant's specification, as well as newly added Claims 49-51. See, for example, paragraphs [0043], [0046] - [0048] and [0054] in the specification as originally filed.

Claim Rejections - 35 U.S.C. §112

Claims 28 and 31 stand rejected under 35 U. S.C. §112 second paragraph, as allegedly being incomplete for omitting essential structural cooperative relationships of elements. Claims 28 and 31 have been amended to address the concerns raised by the Examiner. In particular, Claim 28 now recites, "a programmable telephone number table connected to the subscription list", "a telephone system having access to the subscription list and the programmable telephone number table", and "the telephone system uses the trigger on the call to send a TCAP message to initiate searching to locate the corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table". Additionally, Claim 31 recites, "providing a subscription list comprising a plurality of subscriber telephone numbers to a selective call forwarding service in a telephone system", "determining if the called party telephone number is a subscriber telephone number in the subscription list", "providing a

programmable telephone number table in a database of the telephone system”, “determining whether the first caller telephone number is one of the plurality of preferred caller telephone numbers associated with the subscriber telephone number”, “determining whether the second caller telephone number is one of the plurality of preferred caller telephone numbers associated with the subscriber telephone number”, and “the telephone system uses a Transaction Capabilities Application Part (TCAP) protocol to respond to a trigger, sending a TCAP message to initiate searching to locate the subscriber telephone number in the subscription list and the programmable telephone number table”. Thus, Applicant respectfully submits that multiple structural cooperative relationships of elements are recited in Claims 28 and 31, and the rejection should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 28-31 and 33-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arbel et al. (U.S. Patent No. 5,276,731 hereinafter “Arbel”) in view of Pershan et al. (U.S. Patent No. 6,718,026 hereinafter “Pershan”) and Rogers et al. (U.S. Patent No. 5,946,386 hereinafter “Rogers”) and further in view of Blumhardt (U.S. Patent No. 5,479,495 hereinafter “Blumhardt”). Applicant respectfully traverses the rejection and submits that Arbel in view of Pershan in view of Rogers in further view of Blumhardt does not teach or suggest all of the elements of Claims 28-31 and 33-48.

Claim 28, as amended, recites *inter alia* “a subscription list comprising a plurality of subscriber telephone numbers; a programmable telephone number table connected to the subscription list, the programmable telephone number table comprising for each of the subscriber telephone numbers in the subscription list, a plurality of associated forwarding telephone numbers and a plurality of associated preferred caller telephone numbers; a telephone system having access to the subscription list and the programmable telephone number table, the telephone system determining that a call placed by a caller is to a subscriber having a corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table”. Claim 28 also recites, *inter alia*, “the telephone system uses trigger on the call to send a TCAP message to

initiate searching to locate the corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table”. Applicant submits that neither Arbel nor Pershan nor Rogers nor Blumhardt, alone or in combination, teaches or suggests these features.

Arbel is directed to a method and apparatus for handling incoming telephone calls. Arbel teaches a system for delivering predetermined messages to incoming telephone calls, for prioritized screening of incoming telephone calls, and for re-routing incoming telephone calls. (Arbel; Abstract.) Arbel teaches that telephone calls are re-routed based on pre-determined criteria. (See, for example, Arbel; Col. 10, lines 10-28.) Arbel does not teach or suggest, “a subscription list comprising a plurality of subscriber telephone numbers; a programmable telephone number table connected to the subscription list, the programmable telephone number table comprising for each of the subscriber telephone numbers in the subscription list, a plurality of associated forwarding telephone numbers and a plurality of associated preferred caller telephone numbers; a telephone system having access to the subscription list and the programmable telephone number table, the telephone system determining that a call placed by a caller is to a subscriber having a corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table”, as recited in Claim 28. Nor does Arbel teach or suggest, “the telephone system uses trigger on the call to send a TCAP message to initiate searching to locate the corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table”, as recited in Claim 28.

The addition of Pershan does not cure these deficiencies in Arbel. Pershan is directed to call forwarding methods and apparatus. Pershan teaches that calls from selected telephone numbers are forwarded to other telephone numbers. Pershan also teaches that different rings may be utilized depending on the origin of the call. (Pershan; Abstract.) Pershan teaches call processing records (CPRs) that are indexed by called party telephone number and are utilized to determine if the called telephone number has

activated call forwarding. A CPR is accessed in response to receiving a TAT trigger on the called party's telephone line. The CPRs include the called party telephone number as well as forwarding telephone numbers, and the number of rings to allow before forwarding the call. (See, for example, Pershan; col. 12, lines 36-62.) Pershan does not teach or suggest, "a subscription list comprising a plurality of subscriber telephone numbers; a programmable telephone number table connected to the subscription list, the programmable telephone number table comprising for each of the subscriber telephone numbers in the subscription list, a plurality of associated forwarding telephone numbers and a plurality of associated preferred caller telephone numbers; a telephone system having access to the subscription list and the programmable telephone number table, the telephone system determining that a call placed by a caller is to a subscriber having a corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table", as recited in Claim 28. Nor does Pershan teach or suggest, "the telephone system uses trigger on the call to send a TCAP message to initiate searching to locate the corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table", as recited in Claim 28. Thus, Arbel in view of Pershan does not teach or suggest all of the elements of Claim 28.

The addition of Rogers does not cure this deficiency in Arbel in view of Pershan. Rogers is directed to a real-time call management system with call control from user workstation computers. (Rogers; Abstract.) Rogers teaches real-time call management that enables the called party to know who is calling before the call is accepted and, thus, to establish the likely priority of the call and decide how best to handle the call before the telephone rings. A call management computer intercepts incoming calls and controls the handling of such calls according to instructions received from the user's workstations. Called parties, calling party and call type (voice, Fax, data) are identified and different types of calls are managed differently based on the instructions from the user. (Rogers; Abstract and col. 1, lines 48-61.) Rogers teaches that calls are routed to a central office and then to the call management system through a central office trunk. (Rogers; col. 9 line 63 through col. 10 line 2.) Rogers does not teach or suggest, "a subscription list

comprising a plurality of subscriber telephone numbers; a programmable telephone number table connected to the subscription list, the programmable telephone number table comprising for each of the subscriber telephone numbers in the subscription list, a plurality of associated forwarding telephone numbers and a plurality of associated preferred caller telephone numbers; a telephone system having access to the subscription list and the programmable telephone number table, the telephone system determining that a call placed by a caller is to a subscriber having a corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table”, as recited in Claim 28. Nor does Rogers teach or suggest, “the telephone system uses trigger on the call to send a TCAP message to initiate searching to locate the corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table”, as recited in Claim 28. Thus, Arbel in view of Pershan in view of Rogers does not teach or suggest all of the elements of Claim 28.

The addition of Blumhardt does not cure this deficiency in Arbel in view of Pershan in view of Rogers. Blumhardt is directed at using an Advanced Intelligent Network (AIN) for automatically accessing and invoking existing switch-based services without going off-hook. (Blumhardt; Abstract.) Blumhardt teaches providing a link between AIN and existing switch-based services. (Blumhardt; col. 1, lines 60-64.) Blumhardt does not teach or suggest, “a subscription list comprising a plurality of subscriber telephone numbers; a programmable telephone number table connected to the subscription list, the programmable telephone number table comprising for each of the subscriber telephone numbers in the subscription list, a plurality of associated forwarding telephone numbers and a plurality of associated preferred caller telephone numbers; a telephone system having access to the subscription list and the programmable telephone number table, the telephone system determining that a call placed by a caller is to a subscriber having a corresponding subscriber telephone number entry in the subscription list and the programmable telephone number table”, as recited in Claim 28. Nor does Blumhardt teach or suggest, “the telephone system uses trigger on the call to send a TCAP message to initiate searching to locate the corresponding subscriber telephone

number entry in the subscription list and the programmable telephone number table”, as recited in Claim 28. Thus, Arbel in view of Pershan in view of Rogers in further view of Blumhardt does not teach or suggest all of the elements of Claim 28.

For at least the above reasons, Claim 28 is patentable over Arbel in view of Pershan in view of Rogers in further view of Blumhardt. Claims 29-30 and 36-38 depend from Claim 28 and are patentable over Arbel in view of Pershan in view of Rogers in further view of Blumhardt for at least the reasons advanced with reference to Claim 28.

Independent Claim 31, as amended, recites *inter alia*, “providing a subscription list comprising a plurality of subscriber telephone numbers to a selective call forwarding service in a telephone system”, “determining if the called party telephone number is a subscriber telephone number in the subscription list”, and “the telephone system uses a Transaction Capabilities Application Part (TCAP) protocol to respond to a trigger, sending a TCAP message to initiate searching to locate the subscriber telephone number in the subscription list and the programmable telephone number table”. Applicant submits that Claim 31, when viewed as a whole, is patentable over Arbel in view of Pershan in view of Rogers in further view of Blumhardt, as Arbel in view of Pershan in view of Rogers in further view of Blumhardt fails to teach or suggest multiple features of Claim 31 when viewed as a whole. Claims 33-35 and 39-48 depend variously from Claim 31 and are considered patentable for at least the same reasons that Claim 31 is patentable.

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Arbel, Pershan, Rogers, Blumhardt and further in view O’Neil et al. (U.S. Patent No. 5,963,864 hereinafter “O’Neil”). Applicant respectfully traverses the rejection and submits that Arbel in view of Pershan, Rogers and Blumhardt in further view of O’Neill does not teach or suggest all of the elements of Claim 32.

The addition of O'Neil does not cure the deficiencies of Arbel in view of Pershan in view of Rogers in further view of Blumhardt as described above with respect to Claim 31 from which Claim 32 depends. For at least this reason, Claim 32 is patentable over Arbel, Pershan, Rogers, Blumhardt and further in view O'Neil. Moreover, Applicant further submits that O'Neil's teaching of determining availability of a wireless unit is not equivalent to, "determining whether the first forwarding telephone number is associated with a wireless telephone, and wherein forwarding the first call to the first forwarding telephone number is performed in response to determining that the wireless telephone is in an on-state", as recited in Claim 32. Rather, O'Neil teaches that, "Pursuant to this service, notice of a communication directed to the wireline unit is provided by ringing both the wireline unit and the wireless unit". (O'Neil; col. 8, lines 46-48). Thus, for at least this reason, Applicant respectfully submits that Claim 32 is patentable over Arbel, Pershan, Rogers, Blumhardt and further in view O'Neil.

Applicant further submits that Claims 49-51 are patentable over Arbel, Pershan, Rogers, Blumhardt and further in view O'Neil, as Arbel, Pershan, Rogers, Blumhardt and further in view O'Neil fail to teach or suggest every element of Claims 49-51. Claims 49 and 50 are also allowable for at the reason that they depend from allowable Claims 28 and 31 respectively.

Response to Arguments

Under the Examiner's Response to Arguments, the Examiner has stated it would have been obvious that a subscriber needs to subscribe to the service to use the service. While there are many advantages and benefits expressly and inherently disclosed within the application, managing the subscription list and the programmable telephone number table separately may result in enhanced security, as the programmable telephone number table is editable by the subscriber (See, for example, Claims 29, 31 and 51, as well as paragraphs [0041], [0042], and [0048] of the specification).

The Examiner has also stated that Claim 31 must be tied to another statutory class or transform underlying subject matter to be a patent eligible process under 35 USC 101. Applicant respectfully submits that Claim 31 includes one or more apparatuses to perform the method, such as, “providing a subscription list comprising a plurality of subscriber telephone numbers to a selective call forwarding service in a telephone system”, “providing a programmable telephone number table in a database of the telephone system”, and “the telephone system uses a Transaction Capabilities Application Part (TCAP) protocol to respond to a trigger, sending a TCAP message to initiate searching to locate the subscriber telephone number in the subscription list and the programmable telephone number table”. Accordingly, Claim 31 recites statutory subject matter.

The Examiner also stated that “configured to” clauses in Claim 28 should be eliminated to avoid a potential rejection under 35 USC 112, 2nd paragraph. Applicant has eliminated the “configured to” clauses in Claim 28, thus no further rejections under 35 USC 112, 2nd paragraph should be made.

Conclusion

Applicant is not conceding in this application that the original claims are not patentable over the art cited by the Examiner. Rather, the present claim amendments are only for facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

It is believed that the foregoing remarks are fully responsive to the Final Office Action and that the claims herein should be allowable to the Applicant. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

CANTOR COLBURN LLP

By /Anne Davis Barry/

Anne Davis Barry
Registration No. 47,408
20 Church Street, 22nd Floor
Hartford, CT 06103-3207
Telephone: (860) 286-2929
Facsimile: (860) 286-0115
Customer No. 36192

Date: March 12, 2009